



## TALBOT COUNTY BOARD OF APPEALS

### **APPLICATION PROCEDURE FOR:** **REASONABLE ACCOMODATIONS FOR THE NEEDS OF DISABLED CITIZENS**

Please read the attached material thoroughly. The documents in the application packet should be completed and returned to the Office of Planning and Zoning. The filing fee is \$700.00, which includes a \$400.00 review fee & a \$300.00 deposit for advertising. Any portion of the deposit not utilized will be returned. Checks shall be made payable to **Talbot County**, Maryland.

At the time the completed application is returned with all forms signed and dated, dates will be scheduled for your hearing and sign posting and other pertinent dates. The applicant/agent is responsible for noting these dates and complying with them. Direct any questions to Chris Corkell, Administrative Assistant to the Board of Appeals Office at (410) 770-8040.

1. **Application for Appeal:** Complete the "Purpose of Appeal". This informs the Board what the application is for. You may attach a typewritten sheet if additional space is needed. Please give a **detailed description** of your request.
2. **Reasonable Accommodation for the Needs of Disabled Citizen Requirements:** This portion of the application sets forth the legal findings on which the Board of Appeals will base their decision. Please respond in writing to each of the noted requirements, do not leave any questions unanswered. The Board of Appeals uses this information to help them better understand your request. These documents contain questions you will be required to address during the hearing. They are the basis for the appeal.
3. **Adjacent Property Owners:** The Applicant/Agent is responsible for obtaining the names and addresses of all property owners contiguous to the subject property as stated in Article XIV, § 190-112 C of the Talbot County Code. For purposes of this Section, contiguous means all properties adjacent to and opposite said property, measured at right angles to any intervening road or street. Said mailed notice shall be directed to the address to which the real estate tax bill on property is sent. This information can be obtained by contacting Maryland Department of Assessment and Taxation at 410-819-5920 or on their web site at <http://www.dat.state.md.us>. A copy of the tax map is needed with the subject property highlighted.  
**Water Front Property**  
For parcels fronting on the water, contiguous property owner(s) also include owners of property within 1,000 feet of the subject property, whose line of sight to the subject property is entirely over water.
4. **Article XIV, § 190-112A Notification:** This statement informs the Applicant/Agent when and where a sign is to be posted. Should two signs be necessary, the Planning Office will inform the Applicant/Agent and posting locations will be designated.
5. **Sign Maintenance Agreement:** This agreement is signed by the Applicant/Agent. The sign is to be continuously maintained in a conspicuous location on the property for 15 days prior to the hearing and returned to the Planning Office within 5 days after the hearing date, or a substantial fine may be imposed. See insert in this package for posting of the sign.
6. **Location Directions:** The Applicant/Agent is responsible for providing detailed directions to the property in question.
7. **Site Plan:** The Applicant is responsible for preparing a site plan which includes: dimensions of property, location of all existing buildings, well, septic, sewage disposal area, driveways, tidal waters, wetlands with appropriate buffers, show the 100 foot Shoreline Development Buffer, tree lines and proposed additions showing setbacks from property lines and names. Show names of adjoining roads, streams, or bodies of water. Show measurements of the structure proposed, also distance from the structure to the closest point of the property line requiring a variance. The site plan must be drawn to scale. Submit (17) copies of your site plan for your project along with \*(1) additional copy if within the 100' buffer and (1) additional copy if property is located on a state highway.

\*If variance is within the 100' Shoreline Development Buffer or exceeds the allowable impervious Surface coverage then you must fill out an application for Critical Area Variance.

8. **Written Acknowledgement:** When the Applicant is someone other than the owner of the property for which the variance is requested, the Applicant shall attach to the application a letter of authorization from the owner that he/she has reviewed the application and concurs with its content.
9. **Incomplete Application:** The application shall be delivered to the Talbot County Board of Appeals/Talbot County Planning Office. If the application is incomplete in any respect, it will be returned to the applicant, and shall not be considered filed with the Department. All required Federal, State and/or local permits or approvals must be obtained prior to application submittal.
10. **Covenants:** If your property has a covenant please provide a copy when application is submitted to this office.

**INFORMATIONAL PURPOSES ONLY FOR: REASONABLE ACCOMODATIONS FOR THE NEEDS OF DISABLED CITIZENS:**

**Public Hearing Notice:** Public notice shall be given for a public hearing on an application for a variance by the Board of Appeals in accordance with the provisions set forth in Article XIV, § 190-112B of the Talbot County Code.

**Site Visit:** A majority of the members of the Board of Appeals shall be required to visit the site for which the variance is requested before a hearing. All structures and piers must be staked when application is submitted to this office. However, a decision on a variance shall be decided upon the basis of the evidence of record.

**Recommendation of Planning Office:** Before making a decision on any application or appeal, the Board of Appeals shall obtain the recommendation of the Planning Commission. The Planning Commission's recommendation shall address the criteria as set forth in Article XIV, §190-105 & §190-107. the recommendation shall be considered by the Board of Appeals, shall become part of the record but shall not be binding on the Board of Appeals. The Board may request from the Planning Commission such technical service, data, or factual information as may further assist the Board of Appeals in reaching a decision.

**New Application after denial or revocation:** Following the denial or revocation of a request for a Reasonable accommodation, no application for the same use on the same premises shall be filed within one (1) year from the date of denial, except on grounds of newly discovered evidence.

**Expiration of Relief Granted:** Approval of relief granted shall become null and void one (1) year following the date on which it was approved, unless prior to the expiration date, construction is commenced and diligently pursued toward completion, or unless the use for which the permit was granted is commenced within one (1) year, or unless an application for renewal (for one [1] year only) is granted by the Board of Appeals prior to the expiration date. The approval shall remain in effect so long as the use for which is was issued remains.

The Administrative Assistant to the Board of Appeals may not give advice with regard to this application nor is she permitted to assist in the preparation.

\*\*\*\*\*  
**This original package must be returned with original signatures and dates, you do not need to make additional copies of this package. The only additional copies required will be site plans, floor plans, elevation drawings and miscellaneous exhibits.**

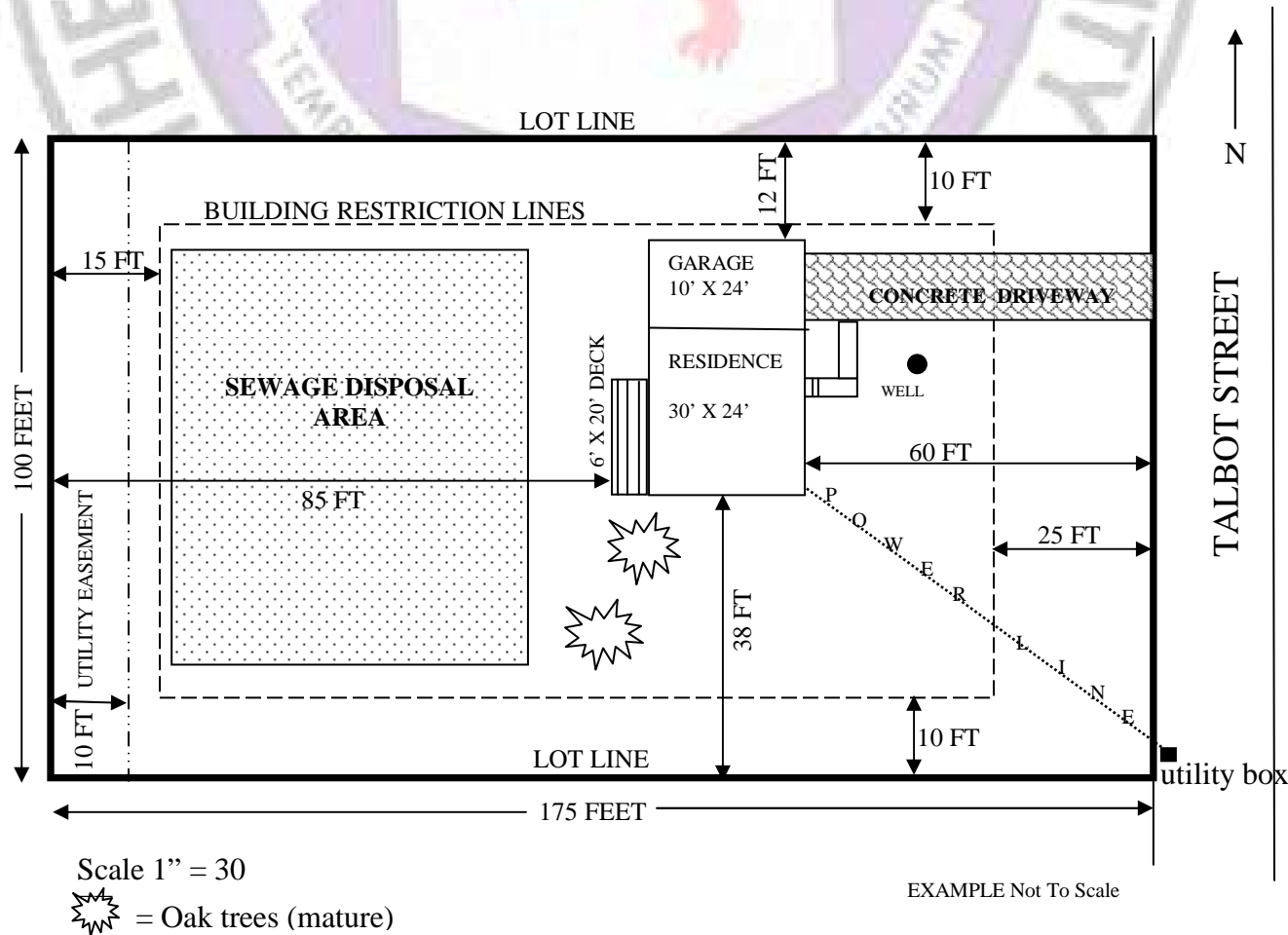


RESIDENTIAL VARIANCES & SPECIAL EXCEPTIONS

SITE PLAN REQUIREMENTS

- Drawing must be to scale. The scale of the drawing and an arrow showing a direction of North, must be noted on the plan.
- Show all boundary lines and lot size.
- Location and dimensions and use of all existing and proposed buildings and structures on the site. Distances from property lines, or setback (setbacks from tidal and non tidal wetlands, 100 foot shoreline development buffer from Mean High Water, streams, steep slopes, state highway, etc.,) to the proposed structure. Measurements need to be taken from the closest point of the structure. Measurements from decks only if structurally connected to the dwelling. Show streams and label bodies of water.
- Show location of underground power lines and all other utility lines & boxes.
- Show forest cover on site, individual standing mature trees and all areas of forest to be cleared.
- Location, name or number of all streets and alleys adjacent to the site. Show any on site or off site easements or private roads that provide access between the site and public road.
- Location of on-site parking and driveways (provide space for at least two cars).
- Show location of well and proposed or existing location of septic tank and drain field (and reserve drain field), as specified by the Health Department.

EXAMPLE SITE PLAN





OFFICIAL USE ONLY

Hearing Date \_\_\_\_\_  
Appeal No. \_\_\_\_\_  
Filing Date \_\_\_\_\_  
Amount Paid \_\_\_\_\_  
Neighbors  
Notified \_\_\_\_\_  
Petitioners  
Notified \_\_\_\_\_

To the Honorable, the Talbot County Board of Appeals,

Pursuant to the provisions of the Talbot County Zoning Ordinance for Talbot County, Maryland enacted May 16, 1953, or as amended, request is hereby made for:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
XXX Variation from strict application of said Ordinance  
Allegation of Error  
Special Exception  
**Reasonable Accommodation for the Needs of Disabled Citizens**

**Purpose of Appeal:** Description of Relief Sought. Please give a **detailed description**, may be written or typed on a separate page if needed, label as Attachment A.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of Property: \_\_\_\_\_

Tax Map \_\_\_\_\_ Grid \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_ Size \_\_\_\_\_ Zone \_\_\_\_\_

Property Owner: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ ( ) \_\_\_\_\_ Election District \_\_\_\_\_

Applicant's name, address & telephone number if different from owner: \_\_\_\_\_

Has above property ever been subject of previous Appeal(s)? \_\_\_\_\_

If so, give Appeal number(s) and date(s) \_\_\_\_\_

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the a foregoing Appeal are true to best the best of my (our) knowledge and belief.

\_\_\_\_\_  
Applicant's/Agent's Signature

**IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT.**



Name(s) & Addresses of the adjacent property owners. (Article XIV, § 190-112 C) of the Talbot County Code.

Name and Address	Map	Grid	Parcel & Lot #

Applicant Signature

Date





## TALBOT COUNTY BOARD OF APPEALS

### **“REASONABLE ACCOMODATIONS FOR THE NEEDS OF DISABLED CITIZENS”**

Appeal No. \_\_\_\_\_

Hearing Date: \_\_\_\_\_

#### **Chapter 190 Zoning – Talbot County Code**

Power of the Board of Appeals – see Chapter 190, Article XIV

Article XIV, § 190-104 - Variances

**Variances:** To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance shall not be granted unless and until the applicant has demonstrated that:

The applicant for a variance shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion to all questions of fact, which are to be determined by the Board of Appeals.

(a) The existence of a disability within the meaning of the Americans with Disabilities Act;

#### **Applicant Response:**

---

---

---

---

(b) Literal enforcement of the statute, ordinance, regulation, or other requirement would result in discrimination by virtue of such disability or deprive the applicant/appellant of the reasonable use and enjoyment of the property;

#### **Applicant Response:**

---

---

---

---

(c) A reasonable accommodation would reduce or eliminate the discriminatory effect of the statute, ordinance, regulation, or other requirement or restore the applicant/appellant's reasonable use or enjoyment of the property;

#### **Applicant Response:**

---

---

---

---

(d) The accommodation requested will not substantially impair the purpose, intent, or effect of the statute, ordinance, regulation or other requirement as applied to the property; If the property is located in the critical area, the accommodation would:

**Applicant Response:**

(e) Be environmentally neutral with no greater negative impact on the environment than the literal enforcement of the statute, ordinance, regulation or other requirement; or

**Applicant Response:**

(f) Allow only the minimum environmental changes necessary to address the needs resulting from the particular disability of the applicant/appellant.

**Applicant Response:**

*The Board’s action will be predicated upon the applicant’s compliance with the above.*

Date

Signature of Applicant or Designated Agent



**References:**

- 1. Talbot County Comprehensive Plan
- 2. Talbot County Code
- 3. File

**All structures and piers must be staked out prior to the Board’s site visit.**







**Site Visits:** A majority of the members of the Board of Appeals shall be required to visit the site before a hearing. However, a decision on an appeal before the Board of Appeals shall be decided upon the basis of the evidence of the record.

**Building Permit:** If the Board of Appeals grants your request and upon compliance of any conditions imposed you may then apply for your building permit. Permit Applications need to be submitted to Talbot County Permits & Inspections Office.

**Decision:** A written decision will be prepared containing a statement as to the findings of fact and the conclusions of law upon which such decision is based. The Board's Attorney will render a written decision within 30 days after completion of the hearing. Any person aggrieved by any decision of the Board may appeal the same to the Talbot County Circuit Court within thirty (30) days of the Board's written decision.

Revised: 11/02/05